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Superior Court Of California  
County Of Los Angeles

JULY 14 2017

By: Marlon Gomez, Deputy  
Attalaive Officer/Clerk

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Attorneys for Plaintiff

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES, CENTRAL DISTRICT

BC 686996

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

vs.

PAULINA SIGALA, an individual; GUADALUPE MARIE JUAREZ also known as GUADALUPE MARIE SIGALA, an individual; and DOES 1 through 50, inclusive,

Defendants.

CASE NO.:

**COMPLAINT FOR ABATEMENT AND INJUNCTION**

[HEALTH & SAFETY CODE SECTION 11570, ET SEQ.]

(Unlimited Action)

PLAINTIFF, THE PEOPLE OF THE STATE OF CALIFORNIA, alleges as follows:

I. INTRODUCTION

1. This action ("Action") is brought and prosecuted by Plaintiff, the People of the State of California (the "People"), for the purpose of abating, preventing and enjoining a gang and narcotics-related public nuisance that exists at a single family dwelling located in the El Sereno neighborhood of Northeast Los Angeles with an address commonly known as 3710 Locke Avenue, Los Angeles CA 90032 (the "Property"). The Action is brought pursuant to the Narcotics Abatement Law ("NAL"), California Health and Safety Code section 11570, et seq. The Property lies within 617 feet of the El Sereno Elementary School and within 944 feet of

1 the El Sereno Early Education Day Care Center.

2       2. The Property, located in the Los Angeles Police Department's ("LAPD")  
3 Hollenbeck Division, has been, and continues to be, a narcotics nuisance where the sale of  
4 heroin and methamphetamine and other controlled substances takes place on a regular and  
5 continuous basis to steady streams of drug users and buyers who walk, bike and drive up to  
6 the Property to purchase drugs. The Property has, and continues to have, a well-known  
7 reputation in the surrounding community and with LAPD as a prominent gang-controlled  
8 narcotics sales location. During the past 16 months, law enforcement has made seven  
9 narcotics-related arrests, including for narcotics sales, at or connected to the Property and  
10 served two narcotics search warrants at the Property which resulted in the recovery of  
11 narcotics.

12       3. Defendant Paulina Sigala ("Defendant Sigala"), a 71-year-old woman, has  
13 owned the Property since February 16, 2017. Defendant Sigala's daughter, Guadalupe Marie  
14 Juarez also known as Guadalupe Marie Sigala ("Defendant Juarez"), age 50, has lived at the  
15 Property since at least 2016. Defendant Juarez has been arrested twice at the Property for  
16 narcotics-related offenses.

17       4. During an August 30, 2016 search warrant execution, officers recovered  
18 methamphetamine, marijuana, and 88 balloons containing heroin from the bedroom of  
19 Defendant Juarez. Additionally, numerous counter-surveillance cameras were mounted  
20 around the exterior of the Property that provided live feed into a monitor inside Defendant  
21 Juarez's bedroom. Defendant Juarez was arrested for possession for sales of heroin,  
22 methamphetamine, and marijuana.

23       5. The most recent narcotics search warrant was served at the Property last  
24 month. During that November 16, 2017 search warrant execution, officers recovered  
25 methamphetamine, digital scales, and two EBT cards, which LAPD believes were exchanged  
26 for narcotics in lieu of cash.<sup>1</sup> Again, numerous counter-surveillance cameras were observed  
27

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28       1 EBT cards can be used like cash for certain items at stores and, according to LAPD, drug users will trade this form of public assistance for narcotics when they do not have cash on hand.

1 around the exterior of the property with a monitor discovered inside the residence. Defendant  
2 Juarez was arrested for possession of methamphetamine for sales and maintaining a house  
3 hold where narcotics are sold. Defendant Juarez was sharing a bedroom with documented El  
4 Sereno gang member Frank Marquez, with the gang moniker of "Lil Marky", who was also  
5 arrested for the same offenses as Juarez. Another documented El Sereno gang member,  
6 Hector Torres, with the gang moniker of "Joker", was arrested for possession of  
7 methamphetamine for sales.

8       6. Plaintiff is filing this lawsuit in an effort to protect public safety. The people in  
9 the surrounding neighborhood cannot be expected to perpetually endure this continual  
10 nuisance activity. The nuisance abatement prosecution is intended to bring the unacceptable  
11 state of affairs at the Property to a halt; to make the Property inhospitable to the gang  
12 members and drug dealers who now freely use it to deal narcotics; and to make the Property  
13 safe for people in the area.

## **II. THE PARTIES AND THE PROPERTY**

**A. Plaintiff**

16       7. Plaintiff, the People, is the sovereign power of the State of California designated  
17 in California Health and Safety Code section 11571 to be the complaining party in actions  
18 brought to abate, enjoin, and penalize public narcotics nuisances.

## B. The Defendants

20       8.     Defendant Sigala is the owner of the Property and has been since February 16,  
21 2017. Plaintiff is informed and believes and thereon alleges that Defendant Sigala does not  
22 currently reside at the Property. From January 13, 2016 to February 16, 2017, the Property  
23 was owned by Lester Alvarez. Plaintiff is informed and believes and thereon alleges that the  
24 sale of the Property to Defendant Sigala may not have been an arm's length transaction as  
25 Lester Alvarez's wife is the cousin of Defendant Juarez.

26       9.     Defendant Juarez is the adult daughter of Defendant Sigala and has been  
27 residing at the Property since at least 2016.   Defendant Juarez is directly involved in the  
28 narcotics activity at the Property and is allowing gang members to live and "hangout" at the

1 Property and sell narcotics there. On August 11, 2017, Defendant Juarez was criminally  
2 convicted of possession of a controlled substance for sales related to the August 30, 2016  
3 search warrant and subsequent arrest.

4       10. The true names and capacities of defendants sued herein as Does 1 through  
5 50, inclusive, are unknown to Plaintiff, who therefore sues said defendants by such fictitious  
6 names. When the true names and capacities of said defendants have been ascertained,  
7 Plaintiff will seek leave of Court to amend this complaint and to insert in lieu of such fictitious  
8 names the true names and capacities of said fictitiously named defendants.

9       C. **The Property**

10      11. The Property is a single-family residence located at the commonly known  
11 address of 3710 Locke Avenue, Los Angeles, CA 90032.<sup>2</sup> It is a four bedroom, approximately  
12 1,164 square foot, one-story home located in a quiet residential neighborhood. The rear  
13 detached garage may have been illegally converted into a residence.<sup>3</sup> The backyard of the  
14 Property has several recreational vehicles and cars in which individuals are residing.  
15 Clothing, pet feces, and trash litter the rear yard.

16                   **III. THE NARCOTICS ABATEMENT LAW**

17      12. The abatement of a nuisance is a long-established and well-recognized exercise  
18 of the state's police power. (*People v. Barbiere* (1917) 33 Cal.App. 770, 775; *People ex rel.*  
19 *Hicks v. Sarong Gals* (1974) 42 Cal.App.3d 556, 563.) Since its enactment in 1972, the  
20 principal purpose of the NAL (Health & Saf. Code, § 11570, *et seq.*) is the abatement of  
21 buildings and places "used for the purpose of unlawfully selling, serving, storing, keeping,  
22 manufacturing, or giving away any controlled substance, precursor, or analog specified in this  
23 division . . ." (Health & Saf. Code, § 11570).

24      13. The NAL provides that every building or place used for the purpose of unlawfully  
25 selling, serving, storing, keeping, manufacturing, or giving away any controlled substance,

27      2 The Property's legal description is "Lot 33 of Baird's Pasadena Short Line Tract as per map recorded in Book 4,  
28 Page 4 of Maps, in the office of the county recorder of said county," with Assessor's Parcel Number 5306-012-  
023.

3 Los Angeles Department of Building and Safety currently has an open investigation of the Property regarding  
the illegal garage conversion.

1 precursor, or analog *inter alia*, "is a nuisance which **shall** be enjoined, abated, and  
2 prevented . . . whether it is a public or private nuisance." (Health & Saf. Code, § 11570  
3 (emphasis added); *People ex rel Lungren v. Peron* (1997) 59 Cal.App.4th 1383, 1389; *Lew v.*  
4 *Superior Court* (1993) 20 Cal.App.4th 866, 870-871.)

5       14. Health and Safety Code section 11571 authorizes a city attorney to bring an  
6 action to abate, prevent and perpetually enjoin such nuisances. It provides in relevant part:  
7 "Whenever there is reason to believe that a nuisance as described in Section 11570 is kept,  
8 maintained, or exists in any county, the district attorney of the county, or the city attorney of  
9 any incorporated city or of any city and county, in the name of the people, may . . . maintain  
10 an action to abate and prevent the nuisance and perpetually to enjoin the person conducting  
11 or maintaining it, and the owner, lessee, or agent of the building or place in or upon which the  
12 nuisance exists from directly or indirectly maintaining or permitting the nuisance."

13       15. Health and Safety Code section 11573(a) provides that: "If the existence of the  
14 nuisance is shown in the action to the satisfaction of the court or judge, either by verified  
15 complaint or affidavit, the court or judge **shall** allow a temporary restraining order or injunction  
16 to abate and prevent the continuance or recurrence of the nuisance." (Emphasis added.) In  
17 addition, Health and Safety Code section 11581 provides, as an additional remedy, for the  
18 removal and sale of all fixtures and movable property on the premises used in aiding or  
19 abetting the nuisance and for the closure of the building for up to one year.

20                  **IV. CAUSE OF ACTION FOR NARCOTICS ABATEMENT**

21                  **[Health and Safety Code Section 11570, et seq. --**

22                  **Against Defendants and DOES 1 through 50]**

23       16. Plaintiff hereby incorporates by reference paragraphs 1 through 15 of this  
24 Complaint and makes them part of the First Cause of Action, as if fully set forth herein.

25       17. The general reputation of the Property in the community and amongst law  
26 enforcement is that it is a location where the sale of heroin and methamphetamine and other  
27 controlled substances takes place on an open and regular basis by residents, gang members  
28 and/or others. Since at least 2016, the Property has been, and is *currently* being used for the

purposes of unlawfully selling, serving, storing, keeping, manufacturing or giving away controlled substances in violation of Health and Safety Code section 11570, *et seq.* The Property is being used to store and sell narcotics at and from within the Property to drug users and buyers who are drawn there to purchase and use narcotics.

5        18. Defendants, and Does 1 through 50, are responsible for conducting,  
6 maintaining, and/or directly or indirectly permitting the nuisance as alleged herein. Plaintiff  
7 has no plain, speedy and adequate remedy at law, and unless Defendants, and Does 1  
8 through 50, are restrained and enjoined by order of this Court, they will continue to use,  
9 occupy and maintain, and/or to aid, abet or permit, directly or indirectly, the use, occupation  
10 and maintenance of the Property, together with the fixtures and appurtenances located  
11 therein, for the nuisance complained of herein, to the great and irreparable damage of the  
12 public and in violation of California law.

## PRAYER

**WHEREFORE, PLAINTIFF PRAYS THAT THIS COURT ORDER, ADJUDGE AND  
DECREE AS FOLLOWS:**

16        1. That Defendants, Does 1 through 50, and the Property, be declared in violation  
17 of Health and Safety Code section 11570, *et seq.*

18       2. That the Property, together with the fixtures and moveable property therein and  
19 thereon, be found to constitute a public nuisance and be permanently abated as such in  
20 accordance with Section 11581 of the California Health and Safety Code

21       3. That the Court grant a preliminary injunction, permanent injunction and order of  
22 abatement in accordance with Section 11570, et. seq., of the California Health and Safety  
23 Code, enjoining and restraining each Defendant and their agents, officers, employees and  
24 anyone acting on their behalf, from unlawfully selling, serving, storing, keeping,  
25 manufacturing, or giving away controlled substances on the Property, and/or directly or  
26 indirectly maintaining or permitting such nuisance activity

27       4. That the Court order physical and managerial improvements to the Property in  
28 accordance with California Health and Safety Code section 11573.5, and such orders as are

otherwise appropriate, to remedy the nuisance on the Property and enhance the abatement process, including but not limited to, a prohibition on Defendant Juarez's presence at or within 1000 feet of the Property at any time, for any reason; prohibiting known narcotics users and dealers and gang members from accessing the Property; and strict limitations on who else may be present on the Property at all times.

5. That as part of the Judgment, an Order of Abatement be issued, and that the Property be closed for a period of one year, not to be used for any purpose, and be under the control and custody of this Court for said period of time; or, in the alternative, if the Court deems such closure to be unduly harmful to the community, that Defendants, and Does 1 through 50, pay an amount of damages equal to the fair market rental value of the Property for one year to the City or County in whose jurisdiction the nuisance is located in accordance with Health and Safety Code section 11581 subdivision (c)(1).

6. That Defendants, and Does 1 through 50, each be assessed a civil penalty in an amount not to exceed twenty-five thousand dollars (\$25,000.00).

7. That all fixtures and moveable property used in conducting, maintaining, aiding or abetting the nuisance at the Property be removed by the LAPD and sold in the manner provided for the sale of chattels under execution. Said fixtures and property shall be inventoried and a list prepared and filed with this Court.

8. That there shall be excepted from said sale, such property to which title is established in some third party not a defendant, nor agent, officer, employee or servant of any defendant in this proceeding.

9. That the proceeds from said sale be deposited with this Court for payment of the fees and costs of sale. Such costs may occur in closing said property and keeping it closed, removal of said property, and Plaintiff's costs in the Action, including attorneys' fees, and such other costs as the Court shall deem proper.

10. That if the proceeds of the sale do not fully discharge all such costs, fees and allowances, the Property shall also be sold under execution issued upon the order of the Court or judge and the proceeds of such sale shall be applied in a like manner. That any

1 excess monies remaining after payment of approved costs shall be delivered to the owner of  
2 said property. Ownership shall be established to the satisfaction of this Court.

3       11. That Defendants, Does 1 through 50, and any agents, trustees, officers,  
4 employees and anyone acting on their behalf, and their heirs and assignees, be perpetually  
5 enjoined from transferring, conveying, or encumbering any portion of the Property, for  
6 consideration or otherwise, without first obtaining the Court's prior approval.

7       12. That Defendants, and Does 1 through 50, be ordered to immediately notify any  
8 transferees, purchasers, commercial lessees, or other successors in interest to the subject  
9 Property of the existence and application of any temporary restraining order, preliminary  
10 injunction, or permanent injunction to all prospective transferees, purchasers, commercial  
11 lessees, or other successors in interest, *before* entering into any agreement to sell, lease or  
12 transfer the Property, for consideration or otherwise, all or any portion of the Property that is  
13 the subject of this Action.

14       13. That Defendants, and Does 1 through 50, be ordered to immediately give a  
15 complete, legible copy of any temporary restraining order and preliminary and permanent  
16 injunctions to all prospective transferees, purchasers, lessees, or other successors in interest  
17 to the Property.

18       14. That Defendants, and Does 1 through 50, be ordered to immediately request and  
19 procure signatures from all prospective transferees, purchasers, lessees, or other successors  
20 in interest to the subject Property, which acknowledges his/her respective receipt of a  
21 complete, legible copy of any temporary restraining order, preliminary and permanent  
22 injunction, at least 30 days prior to the close of escrow, and deliver a copy of such  
23 acknowledgment to the Los Angeles City Attorney's Office, c/o Deputy City Attorney Jennifer  
24 Varela or her designee.

25       15. That Plaintiff recover the costs of this Action, including law enforcement  
26 investigative costs and any fees, including attorneys' fees, authorized by law, not to exceed  
27 \$1,000,000.00, from Defendants and Does 1 through 50.  
28

1           16. That Plaintiff recover the amount of the filing fees and the amount of the fee for  
2 the service of process or notices which would have been paid but for Government Code  
3 section 6103.5, designating it as such. The fees may, at the Court's discretion, include the  
4 amount of the fees for certifying and preparing transcripts.

5           17. That Plaintiff be granted such other and further relief as the Court deems just  
6 and proper.

7           DATED: December 14, 2017       Respectfully submitted,

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9           MICHAEL N. FEUER, City Attorney  
10          JONATHAN CRISTALL, Supervising Assist. City Attorney

11          By: 

12          JENNIFER VARELA, Deputy City Attorney  
13          Attorneys for Plaintiff, THE PEOPLE OF THE STATE  
14          OF CALIFORNIA